

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIE ROBERTS, et al., ) Case No.: 1:21-cv-0725 NONE JLT  
Plaintiffs, )  
v. ) SCHEDULING ORDER<sup>1</sup> (Fed. R. Civ. P. 16)  
COUNTY OF KERN, et al., ) Pleading Amendment Deadline: 11/1/2021  
Defendants. )  
Discovery Deadlines:  
Initial Disclosures: 8/5/2021  
Non-Expert: 8/2/2022  
Expert: 10/25/2022  
Mid-Discovery Status Conference:  
2/17/2022 at 8:30 a.m.

Non-Dispositive Motion Deadlines:  
Filing: 11/15/2022  
Hearing: 12/13/2022

Dispositive Motion Deadlines:  
Filing: 1/11/2023  
Hearing: 2/22/2023

Pre-Trial Conference:  
4/19/2023 at 8:30 a.m.  
Courtroom 4

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<sup>1</sup> The Court finds the information provided in the Joint Scheduling Report and Scheduling Conference Worksheet (Doc. 17) is sufficient to schedule the matter without a hearing. Thus, the scheduling conference set for August 2, 2021 is VACATED.

1       **I. Pleading Amendment Deadline**

2       Any requested pleading amendments are ordered to be filed, either through a stipulation or  
3 motion to amend, no later than **November 1, 2021**.

4       **II. Discovery Plan and Cut-Off Date**

5       The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)  
6 on or before **August 5, 2021**.

7       The parties are ordered to complete all discovery pertaining to non-experts on or before  
8 **August 2, 2022**, and all discovery pertaining to experts on or before **October 25, 2022**.

9       The parties are directed to disclose all expert witnesses<sup>2</sup>, in writing, on or before **August 30, 2022**,  
10 and to disclose all rebuttal experts on or before **September 27, 2022**. The written designation of  
11 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**  
12 **and (C) and shall include all information required thereunder**. Failure to designate experts in  
13 compliance with this order may result in the Court excluding the testimony or other evidence offered  
14 through such experts that are not disclosed pursuant to this order.

15       The written designation of retained and non-retained experts shall **be made pursuant to Fed.**  
16 **R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**.  
17 Failure to designate experts in compliance with this order may result in the Court excluding the  
18 testimony or other evidence offered through such experts that are not disclosed pursuant to this order.

19       The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to  
20 experts and their opinions. Experts must be fully prepared to be examined on all subjects and opinions  
21 included in the designation. Failure to comply will result in the imposition of sanctions, which may  
22 include striking the expert designation and preclusion of expert testimony.

23       The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement  
24 disclosures and responses to discovery requests will be strictly enforced.

25       A mid-discovery status conference is scheduled for **February 17, 2022** at 8:30 a.m. before  
26 Judge Thurston at 510 19th Street, Bakersfield, California. Counsel SHALL file a joint mid-discovery

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28       <sup>2</sup> In the event an expert will offer opinions related to an independent medical or mental health evaluation, the  
examination SHALL occur sufficiently in advance of the disclosure deadline, so the expert's report fully details the expert's  
opinions in this regard.

1 status conference report one week before the conference. Counsel also SHALL lodge the status report  
2 via e-mail to JLToorders@caed.uscourts.gov. The joint statement SHALL outline the discovery  
3 counsel have completed and that which needs to be completed as well as any impediments to  
4 completing the discovery within the deadlines set forth in this order. Counsel SHALL discuss  
5 settlement and certify that they have done so. Counsel may appear via teleconference by dialing (888)  
6 557-8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy  
7 Clerk receives a written notice of the intent to appear telephonically no later than five court days  
8 before the noticed hearing date.

9 **III. Pre-Trial Motion Schedule**

10 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
11 than **November 15, 2022**,<sup>3</sup> and heard on or before **December 13, 2022**. Non-dispositive motions are  
12 heard before the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States  
13 Courthouse in Bakersfield, California.

14 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**  
15 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, no written  
16 discovery motions shall be filed without the prior approval of the assigned Magistrate Judge. A party  
17 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by  
18 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly  
19 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the  
20 obligation of the moving party to arrange and originate the conference call to the court. To schedule  
21 this telephonic hearing, the parties are ordered to contact the Courtroom Deputy Clerk, Susan Hall, at  
22 (661) 326-6620 or via email at SHall@caed.uscourts.gov. At least three days before the conference,  
23 counsel SHALL file informal letter briefs detailing their positions. The briefs may not exceed 7 pages,  
24 excluding exhibits. **Counsel must comply with Local Rule 251 with respect to discovery disputes or**  
25 **the motion will be denied without prejudice and dropped from the Court's calendar.**

26 Counsel may appear and argue non-dispositive motions via teleconference by dialing (888) 557-

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<sup>3</sup> Non-dispositive motions related to non-expert discovery SHALL be filed within a reasonable time of discovery of  
the dispute, but in not later than 30 days after the expiration of the non-expert discovery deadline.

1 8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk  
2 receives a written notice of the intent to appear telephonically no later than five court days before the  
3 noticed hearing date.

4 All dispositive pre-trial motions shall be filed no later than **January 11, 2023**, and heard no  
5 later than **February 22, 2023**, in Courtroom 4 at 8:30 a.m. In scheduling such motions, **counsel shall**  
6 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

7 **IV. Motions for Summary Judgment or Summary Adjudication**

8 **At least 21 days before** filing a motion for summary judgment or motion for summary  
9 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues  
10 to be raised in the motion.

11 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a  
12 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole  
13 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the  
14 issues for review by the court; 5) explore the possibility of settlement before the parties incur the  
15 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

16 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed  
17 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of  
18 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be  
19 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint  
20 statement of undisputed facts.

21 In the notice of motion, the moving party **SHALL** certify that the parties have met and  
22 conferred as ordered above or set forth a statement of good cause for the failure to meet and confer.

23 **Failure to comply may result in the motion being stricken.**

24 **V. Pre-Trial Conference Date**

25 **April 19, 2023** at 8:30 a.m. in Courtroom 4.

26 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**  
27 The parties are further directed to submit a digital copy of their pretrial statement in Word format via  
28 email at [NONEorders@caed.uscourts.gov](mailto:NONEorders@caed.uscourts.gov).

1                   Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the  
2 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.  
3 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the  
4 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the  
5 Court to explain the nature of the case to the jury during voir dire.

6 **VI. Settlement Conference**

7                   The parties may file a joint written request for a settlement conference if they believe that such  
8 a conference would be fruitful.

9 **VII. Request for Bifurcation, Appointment of Special Master, or other**

10 **Techniques to Shorten Trial**

11                   Not at this time.

12 **VIII. Related Matters Pending**

13                   There are no pending related matters.

14 **IX. Compliance with Federal Procedure**

15                   All counsel SHALL familiarize themselves with the Federal Rules of Civil Procedure and the  
16 Local Rules of Practice of the Eastern District of California, and to keep abreast of any amendments  
17 thereto. The Court must insist upon compliance with these Rules if it is to efficiently handle its  
18 increasing case load and sanctions will be imposed for failure to follow both the Federal Rules of Civil  
19 Procedure and the Local Rules of Practice for the Eastern District of California.

20 **X. Effect of this Order**

21                   The foregoing order represents the best estimate of the court and counsel as to the agenda most  
22 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the  
23 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered  
24 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by  
25 subsequent status conference.

26                   **The dates set in this order are firm and will not be modified absent a showing of good**  
27 **cause even if the request to modify is made by stipulation. Stipulations extending the deadlines**  
28 **contained herein will not be considered unless they are accompanied by affidavits or**

1 declarations, and where appropriate attached exhibits, which establish good cause for granting  
2 the relief requested.

3 Failure to comply with this order may result in the imposition of sanctions.  
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5 IT IS SO ORDERED.

6 Dated: July 20, 2021

7 /s/ Jennifer L. Thurston

8 CHIEF UNITED STATES MAGISTRATE JUDGE

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